PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: Q78312
Lieven Leopold Albertine TRAPPENIERS, et al.	
Appln. No.: 10/736,634	Group Art Unit: 2145
Confirmation No.: 4745	Examiner: William J. Goodchild
Filed: December 17, 2003	

For: COUPLING SECTION/CONFIGURATION THROUGH SERVICE PARAMETERS

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest is ALCATEL, the assignee of the present application, by virtue of an assignment recorded on December 17, 2003 at Reel 014817, Frame 0006.

II. RELATED APPEALS AND INTERFERENCES

Upon information and belief, there are no other prior or pending appeals, interferences or judicial proceedings known to Appellant's Representative or the Assignee that may be related to, be directly affected by, or have a bearing on the Board's decision in the Appeal.

III. STATUS OF CLAIMS

Claims 1-15 are all the claims pending in the application, all stand rejected, and are all the claims that are the subject of this appeal.[1] Specifically, claims 1-6 and 8-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Westfall, International Publication No. WO 02/15462 ("Westfall"), and dependent claim 7 stands rejected under 35 U.S.C. §. 103(a) as being unpatentable over Westfall in view of Jones (U.S. Patent Publication No. 2002/0176547).

Claims 16-17 were previously canceled in the November 29, 2007 Amendment.

[1] The claims on appeal are attached as an appendix to this Brief.

IV. STATUS OF AMENDMENTS

The claim amendments presented with the Amendment Under 37 C.F.R. § 1.111 filed November 29, 2007 were entered. Subsequently, the Examiner issued a Final Office Action on February 13, 2008, and Appellant submitted a Response Under 37 C.F.R. § 1.116 on June 13, 2008, which was entered. An Advisory Action followed on July 14, 2008 and Appellant submitted a Notice of Appeal with a Request for Pre-Appeal Review on August 13, 2008. The Pre-Appeal Review Panel Decision was issued on September 25, 2008 holding that the Application remains under appeal.

Accordingly, there are no outstanding, non-entered amendments of the claims in the instant application.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The following is a concise explanation of the subject matter defined in each of the independent claims and each separately argued dependent claim involved in the instant appeal.

For the Board's convenience, Appellant will first describe the relevant art (see, e.g., Specification ("Spec.") at 1), and then independent claims 1 and 8-15 and separately argued dependent claims 2 and 3 with reference to exemplary embodiments of the inventions. This discussion of the exemplary embodiments is provided for explanatory purposes only, and is not intended to limit the scope of the claims.

The Relevant Art

Generally, the invention relates to methods for communication between a terminal with a coupling-interface and a service providing server via couplings for providing services that are defined by service parameters and via an access system for accessing a network. One example would be in the case of a video-on-demand (VOD) service, where the providing server would be a content provider's server and the terminal would be a personal computer receiving the VOD content. Further, the coupling-interface may be, for example, a Digital Subscriber Line Access Multiplexer (DSLAM) and the access system a broadband remote access server. (Spec. at 1:5-14.)

As discussed in the Specification, prior systems describe the process of resource reservation in networks by use of reservation and acknowledge messages. However, such approaches are considered to be disadvantageous because once a reservation is made in this

manner, the reservation parameters are static and would not subsequently change to varying network conditions. Thus, the network would handles all traffic based on static parameters in an inefficient manner due to not taking into account that the amount of resources required for a particular communication may fluctuate. Accordingly, a more dynamic and efficient method of communication is desirable. (Spec. at 1:16-29.)

Independent Claims

Claim 1

Claim 1 defines method for communication between a terminal (1) and a service providing-server (6) or another terminal via an access system (4) providing access to a network (5),wherein the terminal (1) is coupled to a coupling-interface (2) able to communicate with the access system (4) by protocol couplings (3). (See, e.g., Spec at Fig. 1 and 10:26-11:27.) The method comprises the steps of (a) at said terminal (1), generating a service-selection-signal and transmitting said service-selection-signal (100,101) from said terminal (1) to a service-selection-server (9), and (b) at said service-selection-server (9), in dependence of a service-definition-signal, obtained by said service-selection server (9), generating a configuration-signal and transmitting said configuration-signal to said access system (4) for configuring (104) at least parts of said access system (4) and at least parts of said protocol couplings (3). (See, e.g., Spec. at Fig. 2 and 13:18-14:18.)

Further, claim 1 recites the step of (c) at said service-selection-server (9), generating a service-information-signal and transmitting said service-information-signal (105) to said terminal

(1) and/or said coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein said service-information signal defines a protocol coupling (3) to be used. (See, e.g., Spec. at 14:19-23.) Still further, claim 1 recites (d) at said terminal (1) and/or said coupling-interface (2), communicating (107,108) with said service-providing-server (6) or said other terminal via the protocol coupling (3) defined by at least one service parameter, wherein said communicating (107,108) comprises an exchange of signals that comprise said at least one service parameter. (See, e.g., Spec. at 14:24-15:13.)

By introducing step (a), a user at the terminal has the option of selecting one out of many services, like for example surfing the web, making a telephone call, ordering pay-tv-channels etc. Then, with step (b), parts of the access system, like for example modems, filters, (de)modulators, (de)converters etc. and parts of packet switched-couplings like for example Asynchronous-Transfer-Mode-Pipes, Multi-Protocol-Label-Switching pipes, Internet-Protocol-couplings etc. are configured to be in conformance with the service-definition-signal. Thereby, the configuration signal may correspond with the service-definition-signal or not and may comprise parts of the service-definition-signal or not. By introducing step (c), the terminal and/or the coupling-interface is/are informed through the service-information-signal, which, for example, defines the protocol coupling to be used. Finally, with step (d), communication takes place via the coupling defined by a service parameter. (See, e.g., Spec. at 15:28-16:6.) By virtue of the claimed method, the service-information-signal is used to inform the terminal 1 and/or coupling

interface dynamically and allows for increased efficiency in the communication. (See., e.g., Spec. at 16:7-14.)

Independent Claims 8-15

Independent claims 8, 9, 10, 11, 12, 13, 14, 15 recite an access system, access processor program, service selection server, service selection server program, terminal, terminal processor program, coupling interface, and coupling interface processor program, respectively, which recite features analogous to those recited in method claim 1. (See, e.g., Spec. at 4:29-9:20.)

Dependent Claims

Claim 2

Dependent claim 2 recites that step (b) comprises the step of (b1) at said service-selection-server (9), in dependence of said service-selection-signal, generating said service-definition-signal. (See, e.g., Spec. at 14:1-10.)

Claim 3

Dependent claim 3 recites that step (b) comprises the step of (b2) at said service-selection-server (9), receiving said service-definition-signal from said service-providing-server (6) or said other terminal defined by said service-selection-signal. (See, e.g., Spec. at 14:1-10.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A) Whether independent claims 1 and 8-15 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Westfall et al., Publication No. WO 02/15462 (hereinafter "Westfall") (dependent claims 4-7 standing or falling with claim 1, with claims 2 and 3 being separately argued);

B) Whether claim 2, depending from claim 1, is unpatentable under 35 U.S.C. § 102(b) as being anticipated by Westfall;

C) Whether claim 3, depending from claim 1, is unpatentable under 35 U.S.C. § 102(b) as being anticipated by Westfall.

For purposes of this appeal, the dependent claims that stand or fall together with the respective independent claims are indicated above for each ground of rejection. Further, the rejections of the dependent claims that are separately argued are indicated above and by separate headings in the following section.

VII. ARGUMENT

At least for the reasons discussed below, Appellant submits that the rejections of the claims on appeal are improper, and reversal of each ground of rejection is requested. Appellant turns now to the rejections at issue:

A. The Improper Rejection of Independent Claims 1 and 8-15

The rejections of independent claims 1 and 8-15, as well as the claims dependent therefrom, are in error because Westfall does not disclose all the features of these claims. Rather, the disclosure of Westfall has been distorted and misapplied in rejections that fail to identify numerous claim elements and processes that simply are not found in the reference itself.

For a prior art reference to anticipate a claim, the reference must disclose ***each and every element*** of the claim with ***sufficient clarity*** to prove its existence in the prior art. *Motorola, Inc. v. Interdigital Tech. Corp.*, 121 F.3d 1461, 1473 (Fed. Cir. 1997); *see also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989), *cert. denied*, 493 U.S. 853 (1989); *Azko N.V. v. U. S. Int'l Trade Comm'n*, 808 F.2d 1471, 1479 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987). Although the disclosure requirement "presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there." *Motorola*, 121 F.3d at 1461.

Moreover, "anticipation is not shown by a prior art disclosure which is only 'substantially the same' as the claimed invention." *Jamesbury Corp. v. Litton Indus. Prods., Inc.*, 756 F.2d 1556, 1560 (Fed. Cir. 1985). Rather, the exclusion of a claimed element from a prior art

reference is enough to negate anticipation by that reference. *See Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

Here, the disclosure of Westfall differs significantly from the claimed inventions in many aspects. Westfall simply does not—and cannot—disclose all the limitations of these claims and the rejection falls far short of establishing the requisite factual showing of anticipation.

1. Features of Exemplary Claim 1

To facilitate understanding of an embodiment of the claimed method, an annotated version of application Figure 1 is provided below. With reference to exemplary claim 1, the claimed method provides for communication between a terminal 1 and a service-providing server 6 or another terminal 7, 8 via access system 5 providing access a network 5. Terminal 1 is coupled to a coupling-interface 2 which is able to communicate with access system 4 by protocol couplings 3.

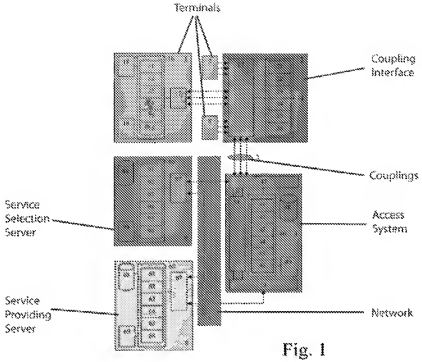

Fig. 1

Annotated Application Figure 1

The method of claim 1 comprises several steps. First, a "service-selection-signal" is generated at terminal 1 and transmitted from the terminal to a service-selection-server 9. In another operation, the service-selection-server 9, in dependence of a "service-definition-signal" obtained by the service selection server, a "configuration-signal" is generated by the service-selection-server 9 and transmitted to the access system 4. The "configuration signal" configures at least parts of the access system 4 and at least parts of the protocol couplings 3.

In a further operation, a "service-information-signal" is generated at the service-selection-server 9 and transmitted to the terminal 1 and/or the coupling interface 2 to inform about the configurations made in at least parts of the access system 4 and at least parts of the

protocol couplings 3, wherein the service-information-signal defines a protocol coupling 3 to be used.

In a still further operation, the terminal 1 and/or the coupling interface communicates with the service providing server 6 or the other terminal 7, 8 via the protocol coupling 3 defined by at least one servicer parameter, wherein the communicating comprises an exchange of signals that comprise the at least one service parameter.

In rejecting claim 1, the Examiner largely relies on nebulous citations to various portions of Westfall's disclosure, without endeavoring to identify elements of claim 1, such as the terminal, coupling interface, access system, network, service selection server, and the service providing server. More significantly, the Examiner fails to provide an explanation as to how the recited method operations are allegedly performed by Westfall. This ambiguity notwithstanding, it is readily apparent evident that Westfall does not anticipate claim 1, as discussed below.

2. Westfall Discloses a Significantly Different System Incapable of Meeting All The Claimed Elements

a. The Disclosure of Westfall

Properly understood, the disclosure of Westfall cannot be applied to anticipate all the features of claim 1. Westfall describes a system for simplifying network configuration so as to provide a desired quality of service (QoS) level for a given service. As Westfall notes, different services (e.g., video conferencing, email transmissions, etc.) may vary in QoS requirements, such that video conferencing would understandably have a higher QoS requirement than the transmission of an email message. Westfall posits that it would be desirable to provide a means

for allocating bandwidth available to an enterprise on an application-based level, since there was purportedly no prior mechanism to control how much of the available bandwidth taken by each application. (Westfall at 2:7-21.) Further, Westfall contends that it is necessary to *classify* data packets transmitted over a wide area network (WAN) into different classes so that data can be transmitted according to the QoS level required for each application. (Westfall at 3:19-4:4.)

With reference to annotated Figure 1 of Westfall below, Westfall's network 20 consists of plural local area networks (LANs) 22 that are connected to one another by data links 27, which may be provided by a WAN 24. A packet processing device (PPD) 26 is located between each LAN 22 and WAN 24. Connected to each LAN is a number of connected devices 28 (i.e., "network connected computers") that are capable of generating and receiving data for transmission on the LAN. The PPDs 26 receive data packets from their associated LAN 22, classify the data packets, and forward the data packets to their respective destinations over WAN 24. PPDs 26 receive and process data packets received from WAN 24 and transmit to the associated LAN 22 in a similar manner. (Westfall at 6:9-28.)

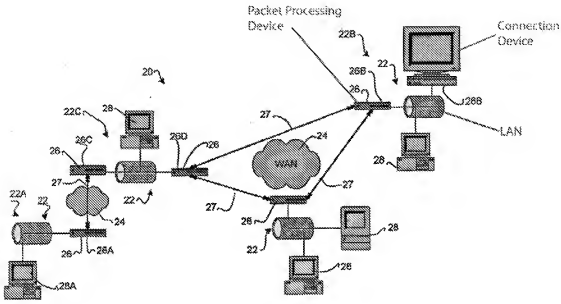

FIG 1

Annotated Figure 1 of Westfall

Each of the PPDs 26 includes a classifier that sorts data packets outgoing on each data link 27 into different classes according to a set of classification rules. The classification rules are chosen so as to separate data packets according to the required QoS level by extracting information intrinsic to a packet, such as source address, destination address, protocol, etc., or information "external" to the packet, such as the input port at which the packet arrives. (Westfall at 7:14-29.)

This classification to achieve a specified QoS level is accomplished in Westfall's network environment by the use of "policy trees" to allocate bandwidth. Each output port of a PPD 26 is provided with a separate policy tree. (Westfall at 8:14-23.) Figure 2 of Westfall illustrates such

a policy tree 39 having a number of "leaf nodes" 40, 41, 42, 43, and 44, which each depend from one of "non-leaf nodes" 45, 46, and 47. The top non-leaf node 49 is associated with data link 27. (Westfall at 8:24-28.) Further, each policy tree is provided with two or more levels, with a first level node 49 being directly connected to data link 27 and multiple lower level nodes providing increased levels for distribution of available bandwidth. As seen in Figure 2, bandwidth can be allocated between leaf nodes of the same level on a percentage basis. For instance, the allocation between leaf nodes 43 and 44, located directly below node 47, is 40% and 60% respectively. (Westfall at 8:29-9:24.)

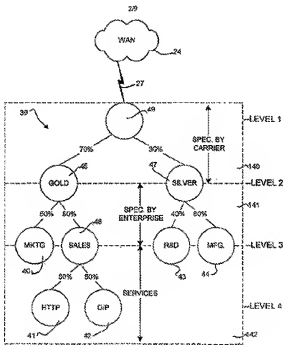

FIG 2

Figure 2 of Westfall

In the network environment Westfall describes, he considers the process of configuring the network so as to provide guaranteed QoS levels for different services to be "complicated and tedious." (Westfall at 11:13-20.) For instance, establishing a video conference call between computers 28A and 28B with a desired QoS would require configuration of each PPD located along the communication path (i.e., 26A, 26B, 26C, and 26D) by configuring the appropriate policy trees separately in each device. (Westfall at 12:6-13:10.)

Westfall claims to solve this dilemma by providing "service templates" to simplify the task of configuring the network. The service templates include information that: (1) identifies types of endpoints that can participate in providing and consuming the service; (2) defines data connections between the endpoints; (3) specifies the QoS required by each of the data connections; and (4) specifies at least partial information about how to classify data packets so as to associate them with data connections of the service. (Westfall at 13:11-23.) Westfall's system allows a desired service, such as web service between different servers, to be set up in a graphical user environment by simply selecting the service and connecting the endpoints on a map of the network, as seen in Figure 5B of Westfall reproduced below. (Westfall at 16:5-24.)

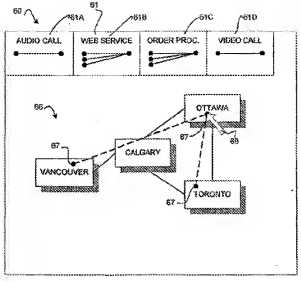

FIG 5B

Figure 5B of Westfall

In greater detail, when a user selects a service in the manner described above, one or more leaf nodes are generated and added to the appropriate policy trees. Data packets can then be classified as belonging to an added leaf node by the appropriate classification rules. (Westfall at 17:3-27.)

Westfall's system for implementing its network configuration is described as being provided on workstation 128, as seen in annotated Figure 6 of Westfall below. Based on user input 70 (i.e., the user selection of a service template to add a service), processor 71 of workstation 128 automatically generates one or more leaf nodes to be added to the policy tree at each output port of a PPD 26 involved in providing the service. Packets to be classified as belonging to added leaf nodes are identified by the classification rules corresponding to the added leaf node. (Westfall at 16:25-17:27.) Thus, based on the information specified in the

selected service template, control messages are generated by processor 71 of workstation 128 cause new leaf nodes with their classification rules to be added to policy trees 39 at each affected output port so as to alter the allocation of bandwidth and provide the specified QoS level for a service. (Westfall at 18:20-19:7.)

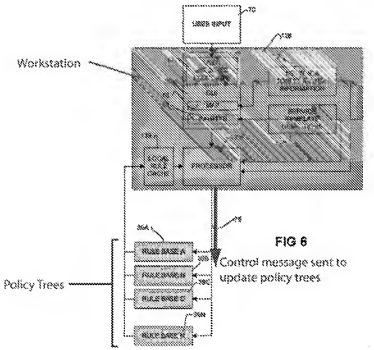

FIG 6

Annotated Figure 6 of Westfall

In summary, Westfall teaches a system of establishing services in a network environment where the user selects a service template to set up a communication and its workstation 128 transmits control messages to packet processing devices 26 located along the communication pathway. These control messages results in "leaf nodes" being added to policy trees in the PPDs,

and the QoS level required by a selected service (i.e., video conferencing) is provided by classification of the data packets.

b. Westfall Fails to Disclose a "Service Selection Server" or the Procedure Performed by the "Service Selection Server"

Westfall's system of updating "policy trees" is quite different from what Appellant has claimed. For instance, Westfall does not disclose any "service-selection server", as claimed. Rather, its workstation 128, even assuming it could be analogized to the claimed "terminal", would merely transmit, in a unidirectional manner, control messages to the various PPDs implicated in a particular service. This does not constitute configuration of parts said *access system* **and** at least parts of said *protocol couplings*, as claimed. Indeed, the Examiner's rejection does not specify what components, if any, are alleged to correspond to the "access system" and "protocol couplings", or how both these separate components could be configured by any "configuration signal" in Westfall.

c. Westfall Does Not Disclose a "Service-Information-Signal" as Claimed

In addition, claim 1 recites:

> (c) at said service-selection-server (9), generating a service-information-signal and transmitting said service-information-signal (105) to said terminal (1) and/or said coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein said service-information signal defines a protocol coupling (3) to be used, and

In Westfall, there is simply no signal that can reasonably correspond to the claimed "service-information-signal". There is no disclosure of any signal being transmitted back to a "terminal" to "inform about the configurations made in at least parts of both an access system

and protocol couplings." Rather, in Westfall the control signal generated by processor 71 of workstation 128 is simply conveyed to each of the affected PPDs to instruct them to add a leaf node for a selected service. Further, there is no suggestion in Westfall of any signal that in any way defines a protocol coupling.

d. Westfall Further Lacks the Claimed "Communicating…Via the Protocol Coupling" Defined By the At Least One Service Parameter

Claim 1 further recites:

> (d) at said terminal (1) and/or said coupling-interface (2), communicating (107,108) with said service-providing-server (6) or said other terminal via the protocol coupling (3) defined by at least one service parameter, wherein said communicating (107,108) comprises an exchange of signals that comprise said at least one service parameter.

In Westfall, there is no "communicating…via the protocol coupling" defined by the at least one service parameter in the manner claimed, nor is there any exchange of signals comprising the at least one service parameter that must define the protocol coupling. Indeed, after the control message is sent out to the various PPDs in Westfall's network, the communication between source and destination devices would simply consist of the data packets themselves, with the PPDs blindly performing a classification of the packets in accordance with the rule specified by the added leaf node.

Moreover, since Westfall lacks communication with an exchange signals comprising the at least one service parameter, it cannot provide the dynamic communication provided by the claimed method. In this regard, Westfall's system is little different than the prior art systems that involve static resource reservation and does not account for fluctuation in the amount of

resources that may be required by a particular communication. In other words, once Westfall has set its PPDs by adding the leaf node and classification rules to establish a particular service, the bandwidth specified by the QoS requirement is static and does not change, which represents a comparatively inefficient scheme in contrast to the claimed method.

e. The Citations Relied Upon in The Rejection Demonstrate the Deficiency In The Examiner's Rationale

To illustrate the shortcomings in the rejection of claim 1, Appellant notes that the passages the Examiner cites to in the rejection highlights the different system and functionality of Westfall. For convenience, following passages, referenced by the Examiner are reproduced below:

> A preferred embodiment of the invention provides a computer network which has a computer user interface through which a user can select one or more predefined service templates and choose end points for those service templates to create instances of the desired services.
> (Westfall at 15:22-24.)

> After a user has selected endpoints 67 for the selected service by providing user input 70 then all of the information needed to create rules for the forwarding of data packets for the service is available to a 30 processor 71 in workstation 128.
> (Westfall at 16:28-30.)

With the information obtained from a service template and user-specified endpoints, processor 71 can automatically generate control messages for distribution over a communication path 75 provided on network 20 to each affected one of packet processing devices 26. The control messages cause the new classification and scheduling rules to be added to policy trees 39A, 39B, 39C etc. so that packet processing devices 26 will handle data packets associated with the service in the desired manner.
(Westfall at 18:21-25.)

Preferably the control messages cause new leaf nodes to be 5 added to policy trees 39 at each affected output port in network 20 and alter the allocation of bandwidth between different nodes in each policy tree 39 to reflect the addition of the new node.
(Westfall at 19:4-7)

TABLE I - Example Parameters for Classification
1 source IP address / subnet
2 destination IP address/ subnet
3 input port of a device 26 at which packet was received
4 source TCPIUDP port
5 destination TCPIUDP port
6 protocol
7 type of service ("TOS")
8 acknowledgement ("ACK")
(Westfall Table 1 at 15)

This invention dramatically simplifies the task of configuring a network to provide communication services between different nodes on a network. The invention does this by providing service templates. Each service template contains information about the topology of and nature of the data connections required by a service. The service template includes information which:
1. identifies types of endpoints that can participate in providing and consuming the service;
2. defines data connections between the endpoints;
3. specifies the Quality of Service required by each of the data connections; and"

> 4. specifies at least partial information about how to classify data packets so as to associate them with data connections of the service.
> (Westfall at 13:11-23.)
>
> Wide area data communication networks ("WANs") are used 15 to carry many different types of data between geographically separated nodes. For example, the same WAN may be used to transmit video images, voice conversations, e-mail messages, data to and from database servers, and so on. Different ones of these services have different data communication requirements. For example, transmitting a video signal for a video conference requires high bandwidth, and low delay (or "latency"). Real time audio or video conferencing services can tolerate a small amount of data loss.
> (Westfall at 1:14-22.)

The Examiner fails to point to elements in Westfall's system that would allegedly correspond to what is claimed, and provides no explanation as to how the operations specified in the various steps of the claimed method are performed. Even passing scrutiny of the citations provided by the Examiner in his rejection, without even identifying elements in Westfall's system or endeavoring to explain how the various process steps are performed, reveals these glaring deficiencies. Further, the Examiner's vague reference to pages 14-16 of Westfall in the rejection likewise serves only to point to features of a fundamentally different system that does not—and cannot—disclose Appellant's claimed method of communication.

At least for the foregoing reasons, the rejection of claim 1 is improper and should be reversed. Inasmuch as independent claims 8, 9, 10, 11, 12, 13, 14, 15 recite features analogous to those recited in method claim 1, the rejection of these claims is improper at least for the

reasons set forth above and should also be reversed. Further, the rejection of dependent claims 2-7 is improper at least due to the improper rejection of claim 1.

B. The Improper Rejection of Dependent Claim 2

In addition, Westfall does not anticipate the feature of dependent claim 2, which recites:

> The method according to claim 1, wherein said step (b) comprises the step of (b1) at said service-selection-server (9), in dependence of said service-selection-signal, generating said service-definition-signal.

As noted above, in the system of Westfall there is no "service definition signal" generated that configures both at least parts of the access system and at least parts of the protocol couplings in the manner claimed. Rather, in Westfall, its control signal is simply transmitted by processor 71 of workstation 128 to the packet processing devices 26 so as to update the policy trees with new leaf nodes. Moreover, there is no element in Westfall that properly corresponds to the claimed "service-selection-server." Thus, it follows that Westfall cannot disclose the further feature of the service-definition signal being *generated at the service-selection-server*, as claim 2 specifies. The rejection of claim 2 is additionally improper at least for these additional reasons and should be reversed.

C. The Improper Rejection of Dependent Claim 3

Westfall further fails to disclose the features of dependent claim 3, which recites:

> The method according to claim 1, wherein said step (b) comprises the step of (b2) at said service-selection-server (9), receiving said service-definition-signal from said service-providing-server (6) or said other terminal defined by said service-selection-signal.

In Westfall, there is no disclosure of a service-definition-signal being received from any element that can properly be analogized as the claimed "service-providing-server" or "said other terminal". Indeed, there is no discussion whatsoever in Westfall of any communication received back from a workstation or connected device involved in an established service other than data of the selected service itself (i.e., video conferencing data). Thus, Westfall cannot anticipate the features of claim 3 and the rejection is further improper for these reasons.

Conclusion

For at least the foregoing reasons, the rejections of claims 1-15 are improper and should be reversed.

The USPTO is directed and authorized to charge the statutory fee (37 C.F.R. §41.37(a) and 1.17(c)) and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: **January 12, 2009**

CLAIMS APPENDIX

CLAIMS 1-15 ON APPEAL:

1. Method for communication between a terminal (1) and a service providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to a coupling-interface (2) able to communicate with the access system (4) by protocol couplings (3), said method comprising the steps of

(a) at said terminal (1), generating a service-selection-signal and transmitting said service-selection-signal (100,101) from said terminal (1) to a service-selection-server (9),

(b) at said service-selection-server (9), in dependence of a service-definition-signal, obtained by said service-selection server (9), generating a configuration-signal and transmitting said configuration-signal to said access system (4) for configuring (104) at least parts of said access system (4) and at least parts of said protocol couplings (3),

(c) at said service-selection-server (9), generating a service-information-signal and transmitting said service-information-signal (105) to said terminal (1) and/or said coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein said service-information signal defines a protocol coupling (3) to be used, and

(d) at said terminal (1) and/or said coupling-interface (2), communicating (107,108) with said service-providing-server (6) or said other terminal via the protocol coupling (3) defined by

at least one service parameter, wherein said communicating (107,108) comprises an exchange of signals that comprise said at least one service parameter.

2. The method according to claim 1, wherein said step (b) comprises the step of (b1) at said service-selection-server (9), in dependence of said service-selection-signal, generating said service-definition-signal.

3. The method according to claim 1, wherein said step (b) comprises the step of (b2) at said service-selection-server (9), receiving said service-definition-signal from said service-providing-server (6) or said other terminal defined by said service-selection-signal.

4. The method according to claim 1, wherein said coupling-interface (2) is coupled to a permanent channel, with said step (d) comprising the steps of (d1) at said terminal (1) and/or said coupling-interface (2), in dependence of said service-information-signal, configuring at least parts of said terminal (1) and/or of said coupling interface (2), and of (d2) at said terminal (1) and/or said coupling-interface (2), setting up a virtual connection from said coupling-interface (2) to said access system (4), and of (d3) at said access system (4), setting up a virtual connection from said access system (4) to said service-providing-server (6) or said other terminal, and with said service parameter being supplied to said terminal (1) and/or said coupling-interface (2) via said service-information-signal.

5. The method according to claim 1, wherein said coupling-interface (2) is not coupled to said access system (4) via a permanent channel, with said step (a) comprising the steps of (a1) at said terminal (1) and/or said coupling-interface (2), in dependence of said service-selection-signal, setting up a virtual connection from said coupling-interface (2) to said service-selection-server (9) and of (a2) at said terminal (1) and/or said coupling-interface (2), in dependence of said service-selection-signal, configuring at least parts of said terminal (1) and/or said coupling-interface (2), and with said step (d) comprising the step of (d3) at said access system (4), setting up a virtual connection from said access system (4) to said service-providing-server (6) or said other terminal, and with said service parameter being prestored in said terminal (1) and/or said coupling-interface (2).

6. The method according to claim 5, wherein said step (d) comprises the step of (d4) at said terminal (1) and/or said coupling-interface (2), in dependence of said service-information-signal, re-configuring at least parts of said terminal (1) and/or of said coupling-interface (2).

7. The method according to claim 1, wherein said method comprises the step of (e) at said access system (4), billing packet-signals (to be) exchanged (109) between said terminal (1) and/or of said coupling-interface (2) on the one hand and said service-providing-server (6) or said other terminal on the other hand.

8. Access system (4) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via said access system (4) providing access to a network (5), wherein the terminal (1) is coupled to a coupling interface (2) able to communicate with the access system (4) by protocol couplings (3), said access system (4) comprising:

an access processor-system (40) that controls an access transceiver (47) that transmits and receives signals, wherein in that said access processor-system (40) comprises:

(a) a receiving processor-system-part (41) that receives a configuration-signal from a service-selection-server (9), and

(b) a configuring processor-system-part (42) that, in dependence of said configuration-signal, obtained by said service-selection server (9), configures (104) at least parts of said access system (4) and at least parts of said protocol couplings (3), and

(c) a generating/forwarding processor-system part (43) for generating/forwarding a service-information-signal and transmitting said service-information-signal to said terminal (1) and/or said coupling interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein said service-information-signal defines a protocol coupling to be used.

9. Access processor program embodied on a tangible computer readable medium to be run via an access processor-system (40) for controlling an access transceiver (47) for transmitting and receiving signals and for use in an access system (4) for performing a method for communication between a terminal (1)and a service-providing-server (6) or another terminal via said access system (4) providing acces to a network (5), wherein the terminal (1) is coupled to a coupling-interface (2) able to communicate with the access system (4) by protocol couplings (3), said method for communication comprising:

(a) receiving a configuration-signal from a service-selection-server (9), and

(b) in dependence of said configuration-signal, obtained by said service-selection-server (9) configuring (104) at least parts of said access system (4) and at least parts of said protocol couplings (3), and

(c) generating/forwarding a service-information-signal and transmitting said service-information-signal to said terminal (1) and/or said coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), which service-information signal defines a protocol coupling (3) to be used.

10. Service-selection-server (9) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to a coupling-interface (2) able to communicate with the access system (4) by protocol couplings (3), said service-selection-

server (9) comprising a service-selection-server processor-system (90) for controlling a service-selection-server transceiver (97) for transmitting and receiving signals, wherein said service-selection-server processor-system (90) comprising:

(a) a receiving processor-system-part (91) that receives (100,101) a service-selection-signal from said terminal (1),

(b) a configuring processor-system-part (92)that, in dependence of a service-definition-signal, obtained by said service-selection-server (9), generates a configuration-signal and transmits said configuration-signal to said access system (4) for configuring (104) at least parts of said access system (4) and at least parts of said protocol couplings (3), and

(c) a generating processor-system-part (93) that generates a service-information-signal and transmits (105) said service-information-signal to said terminal (1) and/or said coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein said service-information-signal defines a protocol coupling to be used.

11. Service-selection-server program embodied on a tangible computer readable medium to be run via a service-selection-server processor-system for controlling a service-selection-server transceiver for transmitting and receiving signals and for use in a service-selection-server (9) for performing a method for communication between a terminal (1) and a service-providing-

server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to a coupling-interface (2) able to communicate with the access system (4) by protocol couplings, said method comprising:

(a) receiving (100,101) a service-selection-signal from said terminal (1),

(b) in dependence of a service-definition-signal, obtained by said service-selection-server (9), generating a configuration-signal and transmitting said configuration-signal to said access system (4) for configuring (104) at least parts of said access system (4) and at least parts of said protocol couplings (3), and

(c) generating a service-information-signal and transmitting (105) said service-information-signal to said terminal (1) and/or said coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein the service-information-signal defines a protocol coupling (3) to be used.

12. Terminal (1) for performing a method for communication between said terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to a coupling interface (2) able to communicate with the access system (4) by protocol couplings (3), said terminal (1) comprises a terminal processor-system (10) for controlling a terminal receiver (17) for transmitting and receiving signals, said terminal processor-system (10) comprising:

(a) a selecting processor-system-part (11) that generates a service-selection-signal and transmits (100,101) said service-selection-signal from said terminal (1) to said service-selection-server (9), the service-selection-server (9), in dependence of a service-definition-signal, obtained by said service-selection-server (9), generating a configuration-signal to said access system (4) for configuring at least parts of said access system (4) and at least parts of said protocol couplings (3),

(c) a receiving processor-system-part (12) that receives (105) a service-information-signal from said service-selection-server (9), to inform about the configurations made in at least parts of the access system (4) an in at least parts of the protocol couplings (3), wherein said service-information-signal defines a protocol coupling (3) to be used, and

(d) a communicating processor-system-part (13) that communicates (107,108) with said service-providing-server (6) or said another terminal via the protocol coupling (3) defined by at least one service parameter, wherein said communicating comprises an exchange of signals that comprise at least one service parameter.

13. Terminal processor program embodied on a tangible computer readable medium to be run via a terminal processor-system (10) for controlling a terminal transceiver (17) for transmitting and receiving signals and for use in a terminal (1) for performing a method for communication between said terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to

a coupling-interface (2) able to communicate with the access system by protocol couplings (3), said method comprising:

(a) generating a service-selection-signal and transmitting (100,101) said service-selection-signal from said terminal (1) to a service-selection-server (9), the service-selection-server (9), in dependence of a service-definition-signal, obtained by said service-selection-server (9), generating a configuration-signal and transmitting said configuration-signal to said access system (4) for configuring (104) at least parts of said access system (4) and at least parts of said protocol couplings (3),

(c) receiving a service-information-signal from said service-selection-server (9) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein said service-information-signal defines a protocol coupling (3) to be used, and

(d) communicating (107,108) with said service-providing-server (6) or said other terminal via the protocol coupling (3) defined by at least one service parameter, wherein said communicating (107, 108) comprises an exchange of signals that comprise said at least one service parameter.

14. Coupling-interface (2) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to said coupling interface

(2) able to communicate with the access system (4) by protocol couplings (3), said coupling-interface (2) comprising a coupling-interface processor-system (20) for controlling a coupling-interface transceiver (27) for transmitting and receiving signals, said coupling-interface processor-system (20) comprising:

(a) a transceiving processor-system-part (21) that receives a service-selection-signal from said terminal (1) and transmitting (100,101) said service-selection-signal to a service-selection-server (9), the service-selection-server (9), in dependence of a service-definition-signal, obtained by said service-selection-server (9), generating a configuration0signal and transmitting said configuration-signal to said access system for configuring (104) at least parts of said access system (4) and at least parts of said protocol couplings (3),

(c) a receiving processor-system-part (22) that receives (105) a service-information-signal from said service-selection-server (9) to inform about the configurations made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), which service-information-signal defines a protocol coupling (3) to be used, and

(d) a communicating processor-system-part (23) that communicates (107,108) with said service-providing-server (6) or said another terminal via the protocol coupling (3) defined by at least one service parameter, wherein said communicating (107, 108) comprises an exchange of signals that comprise at least one service parameter.

15. Coupling-interface processor program embodied on a tangible computer readable medium to be run via a coupling-interface processor-system (20) for controlling a coupling-interface transceiver (27) for transmitting and receiving signals and for use in a coupling-interface (2) for performing a method for communication between a terminal (1) and a service-providing-server (6) or another terminal via an access system (4) providing access to a network (5), wherein the terminal (1) is coupled to said coupling-interface (2) able to communicate with the access system (4) by protocol couplings (3), said method comprising:

(a) receiving a service-selection-signal from said terminal (1) and transmitting (100,101) said service-selection-signal to a service-selection-server (9), the service-selection-server (9), in dependence of a service-defintion-signal, obtained by said service-selection-server (9), generating a configuration-signal and transmitting said configuration-signal to said access system (4) for configuring (104) at least parts of said access system (4) and at least parts of said protocol couplings (3),

(c) receiving (105) a service-information-signal from said service-selection-server (9) to inform about the configuration made in at least parts of the access system (4) and in at least parts of the protocol couplings (3), wherein said service-information-signal defines a protocol coupling (3) to be used, and

(d) communicating (107,108) with said service-providing-server (6) or said other terminal via the protocol coupling (3) defined by at least one service parameter, wherein said

communicating (107, 108) comprises an exchange of signals that comprise at least one service parameter.

EVIDENCE APPENDIX:

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), submitted herewith are copies of any evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner and relied upon by Appellant in the appeal.

NONE.

RELATED PROCEEDINGS APPENDIX

Submitted herewith are copies of decisions rendered by a court or the Board in any proceeding identified about in Section II pursuant to 37 C.F.R. § 41.37(c)(1)(ii).

NONE.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: Q78312
Lieven Leopold Albertine TRAPPENIERS, et al.	
Appln. No.: 10/736,634	Group Art Unit: 2145
Confirmation No.: 4745	Examiner: William J. Goodchild

Filed: December 17, 2003

For: COUPLING SECTION/CONFIGURATION THROUGH SERVICE PARAMETERS

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. The USPTO is directed and authorized to charge the statutory fee of $540.00 and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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